

1 ORRICK, HERRINGTON & SUTCLIFFE LLP  
2 KAREN G. JOHNSON-MCKEwan # 121570  
kjohnson-mckewan@orrick.com  
3 ANNETTE L. HURST # 148738  
ahurst@orrick.com  
4 GABRIEL M. RAMSEY # 209218  
gramsey@orrick.com  
5 405 Howard Street  
San Francisco, California 94105-2669  
Tel: (415) 773-5700/Fax: (415) 773-5759

6 PETER A. BICKS (pro hac vice)  
pbicks@orrick.com  
7 LISA T. SIMPSON (pro hac vice)  
lsimpson@orrick.com  
8 51 West 52<sup>nd</sup> Street  
9 New York, New York 10019-6142  
Tel: (212) 506-5000/Fax: (212) 506-5151

10 ORACLE CORPORATION  
11 DORIAN DALEY # 129049  
dorian.daley@oracle.com  
12 DEBORAH K. MILLER # 95527  
deborah.miller@oracle.com  
13 MATTHEW M. SARBORARIA # 211600  
matthew.sarboraria@oracle.com  
14 RUCHIKA AGRAWAL # 246058  
ruchika.agrawal@oracle.com  
15 500 Oracle Parkway  
Redwood City, CA 94065  
16 Tel: (650) 506-5200/Fax: (650) 506-7117

17 *Attorneys for Plaintiff*  
ORACLE AMERICA, INC.

KEKER & VAN NEST LLP  
ROBERT A. VAN NEST - # 84065  
rvannest@kvn.com  
CHRISTA M. ANDERSON - # 184325  
canderson@kvn.com  
DANIEL PURCELL - # 191424  
dpurcell@kvn.com  
633 Battery Street  
San Francisco, CA 94111-1809  
Telephone: (415) 391-5400  
Facsimile: (415) 397-7188

KING & SPALDING LLP  
BRUCE W. BABER (pro hac vice)  
bbaber@kslaw.com  
1185 Avenue of the Americas  
New York, NY 10036  
Tel: (212) 556-2100  
Fax: (212) 556-2222

18 Attorneys For Defendant  
GOOGLE, INC.

19  
20 UNITED STATES DISTRICT COURT  
21 NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

22 ORACLE AMERICA, INC.,

Case No. CV 10-03561 WHA

23 Plaintiff,

**JOINT STIPULATION AND  
[PROPOSED] ORDER RE THE  
DEPOSITIONS OF HENRIK STAHL  
AND HENRIQUE DE CASTRO**

24 v.

25 GOOGLE INC.,

26 Defendant.

**Dept.: Courtroom 8, 19<sup>th</sup> Floor  
Judge: Hon. William H. Alsup**

## **STIPULATION**

WHEREAS Federal Rule of Civil Procedure 29 provides that the parties may stipulate to extend discovery;

WHEREAS Federal Rule of Civil Procedure 29(b) provides that Court approval is required to extend discovery, even where the parties have stipulated to the extension;

WHEREAS, fact discovery in this case closes on December 16, 2016 (Dkt. Nos. 1334, 1356);

WHEREAS, Defendant Google Inc. (“Google”) desires to take the deposition of Henrik Stahl, Plaintiff Oracle America, Inc.’s (“Oracle”) Vice President, Product Management, Internet of Things;

WHEREAS, Henrik Stahl lives in Stockholm, Sweden and is unable to travel to the United States for the remainder of 2015 for personal reasons;

WHEREAS, Oracle and Google (collectively, the “Parties”) conferred and agreed, due to the witness’ unavailability, that Henrik Stahl would be produced for deposition after the close of fact discovery on January 14, 2016 in New York;

WHEREAS, Oracle desires to take the deposition of Henrique de Castro, Google's former President, Global Media, Mobile & Platforms;

WHEREAS, on November 4, 2015, Oracle informed Google that it wanted to discuss dates for the deposition of Henrique de Castro and asked if Google would accept a deposition notice for Henrique de Castro or if Oracle would need to serve Henrique de Castro with a subpoena;

WHEREAS, on November 11, 2015, Google wrote it would poll Henrique de Castro for his availability and would get back to Oracle on dates as soon as possible;

WHEREAS, on November 24, 2015, Oracle notified Google that it was still awaiting deposition dates for, among others, Henrique de Castro;

WHEREAS, on November 25, 2015, Google said it had been unsuccessful in its efforts to secure a deposition date for Henrique de Castro and advised Oracle to try other alternatives (e.g., a subpoena);

WHEREAS, on November 25, 2015, Oracle requested that Google provide Oracle with Henrique de Castro's last known home address;

WHEREAS, on November 30, 2015, Google provided such information;

WHEREAS, service was unsuccessfully attempted at multiple potential addresses for Mr. de Castro on November 27, 2015, November 30, 2015, December 1, 2015, December 2, 2015, December 3, 2015, December 4, 2015, December 5, 2015, December 8, 2015, December 9, 2015, December 11, 2015, and December 12, 2015, including multi-hour “stakeouts” on December 5, 8, 9, and 12, 2015;

WHEREAS, Henrique de Castro was served with the subpoena on December 14, 2015;

WHEREAS, Mr. de Castro indicated that he was unavailable for deposition on the date noticed, December 16, which is the last day of discovery:

WHEREAS, the Parties conferred and agreed that Oracle would have until January 15, 2015 to complete Mr. de Castro's deposition;

WHEREAS, good cause exists for allowing the depositions of Henrik Stahl and Henrique de Castro after the close of fact discovery;

NOW, THEREFORE, the Parties AGREE AND STIPULATE that:

- (i) Henrik Stahl's deposition will be held in New York on January 14, 2016;  
and
  - (ii) Oracle may take Henrique de Castro's deposition no later than January 15, 2016.

Dated: December 16, 2015

BOIES, SCHILLER & FLEXNER LLP

/s/ Steven Holtzman

---

STEVEN HOLTZMAN

By: Attorneys for Plaintiff  
ORACLE AMERICA, INC.

Dated: December 16, 2015

Keker & Van Nest LLP

By: /s/ Robert A. Van Nest  
**ROBERT A. VAN NEST**  
Attorneys For Defendant  
GOOGLE, INC.

## **ATTESTATION OF CONCURRENCE**

I, Steven Holtzman, the ECF User whose ID and password are being used to file this Joint Stipulation and [Proposed] Order Regarding the Depositions of Henrik Stahl and Henrique de Castro, hereby attest that Robert Van Nest has concurred in this filing.

Dated: December 16, 2015

By: /s/ Steven Holtzman  
STEVEN HOLTZMAN

## [PROPOSED] ORDER

The foregoing stipulation is approved, and IT IS SO ORDERED.

Date: \_\_\_\_\_

---

Honorable William H. Alsup  
Judge of the United States District Court